

# USBE Process for Receiving Public Comment on Rules and Rule Analyses, Including Impact on Affected Persons

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# General Rules Process Prior to Filing with OAR

- **Committee:** New rule or rule change sent for review and initial approval.
- **Board:** If approved by committee, rule is sent for review and final approval. Amendments can be made.
- **Office of Administrative Rules (OAR):** If approved by Board, the proposed rule, along with its financial impact, is filed with OAR. After verifying required information has been provided, OAR publishes proposed rules in the Utah State Bulletin.



# General Rules Process

## Post OAR Filing

**Board:** Accepts public comment for no fewer than 30 days and no more than 113 days.

**Public:** Submit comments to Board on proposed rules; may request public hearing.

**Board:** Considers public comment and may amend rule. If the rule is amended, the rule is refiled with OAR for an additional 30 days.

# Four steps to conducting a regulatory impact analysis

1. Identify affected parties and the impacts

2. Count the number of individuals in each affected party

3. Measure the fiscal impacts

4. Record the required information

# Identify affected parties

Five classes of potentially affected parties:

- State government
- Local government
- Small Businesses (fewer than 50 employees)
- Non-small Businesses (50 or more employees)
- Other persons (citizens, organizations, etc.)



# Example: R277-707

## Enhancement for Accelerated Students Program

**April 13, 2018** Law and Licensing Committee received Early College Coursework Committee Recommendations

**November 2, 2018** Law and Licensing Committee Reviewed and Approved Draft 1; information included breakdown by LEA for allocation method under the proposed rule

LEA	AP Dollars	Enrollment in AP Courses	Allocation based on Enrollment	\$ Difference in Allocation	% Difference in Allocation
Alpine	\$289,409.28	4,549	\$235,447.08	(\$53,962.20)	-18.65%
Beaver	\$753.31	17	\$879.89	\$126.58	16.80%
Box Elder	17,737.10	416	\$21,531.32	\$3,794.22	21.39%
Cache	32,392.47	657	34,005.00	\$1,612.53	4.98%



## Example: R277-707

### Enhancement for Accelerated Students Program

**December 7, 2018** Law and Licensing Committee considered Drafts 1 & 2; information included breakdown by LEA for allocation method under the proposed rule change

**January 10, 2019** Board reviewed Drafts 1, 2, & 3; information included breakdown by LEA for allocation method under the proposed rule change; Draft 3 approved

**February 1, 2019** Rule published in Utah State Bulletin

**March 8, 2019** Finance Committee reviewed Drafts 3 & 4; information included breakdown by LEA for a variety of allocation methods for the funding

AP-100% Enroll

AP-90% Enroll  
10% Test Passed

AP-75% Enroll  
25% Test Passed

AP-50% Enroll  
50% Test Passed



**Example: R277-707**

## **Enhancement for Accelerated Students Program**

**April 4, 2019** Board reviewed Drafts 3 and 4; information included breakdown by LEA for a variety of allocation methods for the funding; Draft 4 approved

**May 1, 2019** Rule published in Utah State Bulletin

**May 31, 2019** Public hearing on the rule

**June 6, 2019** Board meeting; information included breakdown by LEA for a variety of allocation methods for the funding; amended and Draft 6 is adopted by the Board

**July 2019** Rule published in Utah State Bulletin

**August 14, 2019** effective date of new rule



Following the April Board meeting, the impact analyses for the approved rule (*draft 4*) is submitted to OAR

State impact:

This rule change is not expected to have a fiscal impact on state government revenues or expenditures. The rule applies to the Enhancement for Accelerated Students program, which is funded with a state appropriation and that is not affected by the changes in the rule.

## Local Impact

The rule change will have fiscal impact on local education agencies. It changes the advanced placement program for local education agencies. Prior to the change, the funds were distributed based on advanced placement exams passed. With the rule change, these funds will be distributed with 50% of the funds for exams passed and 50% for enrollment in advanced placement classes. The total amount of funding going to local education agencies for advanced placement will remain the same, but some LEAs may receive more funding for advanced placement and other LEAs may receive less funding for advanced placement depending on enrollment and exams passed.

# Small Business Impact



This rule change is not expected to have any fiscal impact on small business revenues or expenditures. The rule applies to the Enhancement for Accelerated Students program which is state funded and thus does not apply to small businesses.

## Other Persons

This rule change is not expected to have any fiscal impact on persons other than small businesses, or local government entities revenues or expenditures. The rule applies to the Enhancement for Accelerated Students Program which is state funded and thus does not apply to other individuals.



Following June Board meeting, the impact analyses for the approved rule (*draft 6*) is submitted to OAR

### Local Impact:

The rule change will have a fiscal impact on local education agencies. It changes the funding distribution formula for the advanced placement program for local education agencies. Prior to the change, the funds were distributed based on advanced placement exams passed with a **3** or higher. With the rule change, these funds will be distributed with **70%** of the funds for exams passed with a **3** or higher and **30%** for enrollment in advanced placement classes. The total amount of funding going to local education agencies for advanced placement will remain the same, but some LEAs may receive more funding for advanced placement and other LEAs may receive less funding for advanced placement depending on enrollment and exams passed.



# Questions?

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